

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

CHARLES TOWNSLEY, <i>et al.</i> ,)	
)	
Plaintiffs,)	
v.)	Case No. 1:20-cv-00969-DAE
)	
INTERNATIONAL BUSINESS)	
MACHINES CORPORATION,)	
)	
Defendant.)	

**DEFENDANT INTERNATIONAL BUSINESS MACHINES CORPORATION'S
REPLY IN SUPPORT OF ITS MOTION TO EXCLUDE EXPERT REPORT AND
TESTIMONY OF MARK RAMBIN**

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

CHARLES TOWNSLEY, <i>et al.</i> ,)	
)	
Plaintiffs,)	
v.)	Case No. 1:20-cv-00969-DAE
)	
INTERNATIONAL BUSINESS)	
MACHINES CORPORATION,)	
)	
Defendant.)	

DECLARATION OF ANDREW BROADAWAY

1. I am a Partner at Cornell Smith Mierl Brutocao Burton, LLP. I am serving as counsel of record for Defendant International Business Machines Corporation (“IBM”) in the above-captioned matter. I make this statement based on my personal knowledge and familiarity with the discovery documents in this matter. I am over 18 years old and am otherwise competent to make this declaration.

2. Attached as Exhibit A to this declaration is a true and correct copy of excerpts of the deposition transcript of Michael Sauro, which was taken on November 30, 2021.

My full name is Andrew Broadaway, and my work address is Cornell Smith Mierl Brutocao Burton, LLP, 1607 West Avenue, Austin, Texas 78701.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Travis County, State of Texas, on the 24th day of June, 2022.

Signed: /s/Andrew Broadaway
Andrew Broadaway

**IN THE UNITED STATES DISTRICT COURT
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Plaintiffs,)	
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INTERNATIONAL BUSINESS)	
MACHINES CORPORATION,)	
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REPLY IN SUPPORT OF ITS MOTION TO EXCLUDE EXPERT REPORT AND
TESTIMONY OF MARK RAMBIN**

EXHIBIT A to Exhibit 1

Transcript of the Testimony of
Michael Sauro

November 30, 2021

Charles Townsley, et al. v. International Business Machines
Corporation

Givens Court Reporting
sgivens@austin.rr.com
(512) 301-7088

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CHARLES TOWNSLEY, MICHAEL §
SAURO, WALTER NOFFSINGER, §
ROSA DAVIDSON, MICHAEL §
KELLY, TITON HOQUE, JANET §
GELPHMAN, THANH DO, §
§
Plaintiffs, § CASE NUMBER
§ 1:20-CV-00969-LY
v. §
§
INTERNATIONAL BUSINESS §
MACHINES CORPORATION, §
§
Defendants. §

* * * * *

THE VIDEOTAPED ORAL DEPOSITION OF
MICHAEL SAURO
November 30, 2021

* * * * *

THE VIDEOTAPED ORAL DEPOSITION OF MICHAEL SAURO, produced as a witness at the instance of the Defendant and duly sworn, was taken in the above styled and numbered cause on the 30th day of November 2021, from 9:35 a.m. to 11:46 a.m. and from 12:46 p.m. to 2:44 p.m., respectively, before Sandra S. Givens, CSR, in and for the State of Texas, reported by machine shorthand method at the law offices of Wright &

Page 1

1 Greenhill, 900 Congress Avenue, Suite 500, Austin,
2 Texas 78701, pursuant to the Federal Rules of Civil
3 Procedure.

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A P P E A R A N C E S

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VIDEOGRAPHER:

Mr. Hank Wisrodt
3stix Productions

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GIVENS COURT REPORTING

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1 VIDEOGRAPHER: Here begins tape 1

2 of the video deposition of Michael Sauro. Today's date

3 is November 30th, 2021, and the time is 9:35 a.m. Will

4 counsel please identify themselves for the record?

5 MS. COUGHLIN: Heidi Coughlin with

6 Wright & Greenhill on behalf of the plaintiff Michael

7 Sauro.

8 MR. SMITH: Ted Smith on behalf of

9 the defendant IBM.

10 VIDEOGRAPHER: And will the court

11 reporter please swear in the witness.

12 (At this time the witness was

13 sworn in.)

14 MS. COUGHLIN: Oh, madam court

15 reporter, before we get started I'd like to read and

16 sign, or my client would like to read and sign, and

17 then moving forward on all these depositions we'd like

18 to do that. Thank you. Go ahead.

19

20 MICHAEL SAURO,

21 having been first duly sworn, testified as follows:

22 EXAMINATION

23 BY MR. SMITH:

24 Q Thank you. Mr. Sauro, Good morning.

25 A Good morning.

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1 Q My name is Ted Smith, and I represent IBM in

2 a lawsuit that's been brought by yourself and a couple

3 of other employees. Our purpose here today is for me

4 to ask you some questions under oath about your

5 understanding of your case, your experiences at IBM and

6 that kind of thing.

7 A Okay.

8 Q And do you understand that you are under oath

9 this morning?

10 A I do.

11 Q And although we're sitting in your attorney's

12 conference room in her office, do you understand that

13 your testimony here today carries the same weight as if

14 we were sitting in a courtroom?

15 A I do.

16 Q Have you ever had your deposition taken

17 before?

18 A I have.

19 Q What, in what kind of case?

20 A When I was getting a divorce.

21 Q And when was that?

22 A 2017, I believe.

23 Q And so you've been through this process

24 before?

25 A Yes.

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1 Q Did that divorce matter go to trial?

2 A No.

3 Q Are you married currently?

4 A No.

5 Q Do you have any children?

6 A Yes.

7 Q Are you still financially responsible for

8 them in any way?

9 A No.

10 Q So since I know you've been through this

11 process before I won't bore you too much with the

12 ground rules, but I just want to make sure that we're

13 on the same page on it.

14 A Okay.

15 Q You're doing a good job of answering

16 verbally. It's very important to do that so that the

17 court reporter here can take down everything that

18 you're saying. It's very difficult for her to take

19 down a nod of the head or something like that.

20 A Okay.

21 Q Likewise, it's very difficult for her also to

22 take down a response such as uh-huh or huh-uh, things

23 like that.

24 A Okay.

25 Q So to the extent that you can, if you can

Page 8

2 (Pages 5 to 8)

1 recessed for lunch, continuing at 12:46 p.m.)
 2 VIDEOGRAPHER: We are back on the
 3 record at 12:46. This begins tape 3.
 4 Q (By Mr. Smith) Mr. Sauro, have you had an
 5 opportunity to take a break?
 6 A Yes.
 7 Q Are you ready to proceed?
 8 A I am.
 9 Q And I would just remind you that you're still
 10 under oath.
 11 A Okay.
 12 Q Where are you currently working?
 13 A I am not working. I was at Sedera, and in
 14 August they notified me that they were rolling off all
 15 their vendors.
 16 Q And what, what does Sedera do?
 17 A They are -- it's hard to explain, but it's
 18 like a -- it's, it's an -- it's kind of like a
 19 healthcare insurance company, but it really isn't.
 20 They don't want to be known as an insurance company,
 21 but it's the best way to understand what they do.
 22 MS. COUGHLIN: I'm sorry. We have
 23 to get off so that I can --
 24 MR. SMITH: Sure.
 25 VIDEOGRAPHER: Do you want to go

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1 off the record?
 2 MS. COUGHLIN: Just a...
 3 VIDEOGRAPHER: Off the record at
 4 12:47.
 5 (At this time the proceedings went
 6 momentarily off the record.)
 7 VIDEOGRAPHER: We're back on the
 8 record at 12:48.
 9 Q (By Mr. Smith) And what kind of work did you
 10 do for Sedera?
 11 A So I was hired to, I would say, to do two
 12 things: One was to mentor the project managers, and
 13 the other thing was to help them make some process
 14 improvements.
 15 Q Okay. And were you hired as an employee or
 16 as a contractor?
 17 A Contractor.
 18 Q And how long did you provide contracting
 19 services for Sedera?
 20 A I started in January of 2020.
 21 Q And you worked there -- or you provided
 22 services there until just recently?
 23 A Till August. Yes.
 24 Q Okay. How were you paid there?
 25 A Can -- I'm not sure what you mean by "how."

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1 Q Were -- did you charge them a fee? Did they
 2 give you a salary?
 3 A Oh, yes. An, an hourly rate.
 4 (Exhibit No. 5 marked.)
 5 Q (By Mr. Smith) So Mr. Sauro, I've handed you
 6 what's been marked as Exhibit No. 5. Have you seen
 7 that document before?
 8 A Yes, I have.
 9 Q Is this a tax document from 2020 that you
 10 provided?
 11 A Yes.
 12 Q And it shows compensation in 2020 of \$4,250;
 13 is that correct?
 14 A Yes.
 15 Q Is that the amount of money that you earned
 16 providing services to Sedera?
 17 A Yes.
 18 Q We haven't received any updated information,
 19 that I'm aware of, for 2021. Do you have an estimate
 20 as to how much you made in 2021 with Sedera?
 21 A I don't have an estimate.
 22 Q Did you work anywhere else besides Sedera
 23 in -- since you've been employed at IBM?
 24 A No.
 25 Q When you left IBM did you apply for

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1 unemployment benefits?
 2 A Yes, I did.
 3 Q Did you receive them?
 4 A Yes, I did.
 5 Q Do you know how much you received?
 6 A I do not.
 7 Q Do you know if you received the enhanced
 8 federal benefits due to COVID?
 9 A No. I think my unemployment ended before
 10 that, before the COVID hit.
 11 Q Okay. Other than the unemployment benefits,
 12 did you have any other source of income -- well, let's,
 13 let's start in -- between 2018 and 2019?
 14 A At some point I started collecting a pension
 15 from IBM.
 16 Q How much do you get monthly for the pension?
 17 A Three -- approximately \$3,000.
 18 Q \$3,000 per month?
 19 A Per month.
 20 Q Okay. So approximately \$36,000 per year?
 21 A Yes.
 22 Q And is that a lifetime pension?
 23 A I believe it is.
 24 Q Have you withdrawn any money from any
 25 retirement vehicles that you have?

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26 (Pages 101 to 104)

1 otherwise interested in the outcome of the action.
2 Certified to by me this 6th day of December 2021.

3

4


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SANDRA S. GIVENS, CSR
Certification No. 5000

9 # sg-1913

Certificate Expires 1/31/22

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